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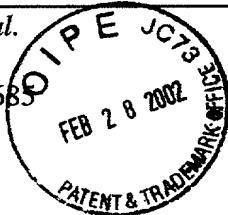
Applicant(s): Graham *et al.*

Application No.: 09/981,685

Filed: 10/17/2001

Title: Adenoviruses for Control of Gene Expression

Attorney Docket No.: ADVEC10IA-C5A



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RESPONSE TO NOTICE TO FILE MISSING PARTS OF APPLICATION
And Preliminary Amendment under 37 C.F.R. 1.115

Assistant Commissioner for Patents
Washington, D.C. 20231
Attention: Box Missing Parts

03/11/2002 BABRAHA1 00000136 09981685

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110.00 DP

Sir:

This is in response to a Notice to File Missing Parts of Application under 37 CFR 1.53(b). Enclosed is a copy of said Notice and the following documents and fees to complete the filing requirements of the above-identified application.

(X) Copies of originally executed Declaration and Power of Attorney of Inventors, and Subsequent Power of Attorney from parent application serial no: 08/486,549.

(X) Statutory basic filing fee of \$740.00. (X) Utility () Design

(X) Additional claim fees of \$504.00 (for 6 independent claims over 3).

(X) Missing Parts Surcharge of \$130.00.

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(X) Substitute drawings in compliance with 37 C.F.R. 1.84.

Regarding the omission of Figure 6B that is described in the specification, the Applicant acknowledges that two copies of Figure 6A were in the Applicant's copy of the specification that was filed. This would infer that Figure 6A was not supplied in the copy filed to the Patent Office. Accordingly, the Applicant opts to receive the filing date of 10/17/2001 even if this is without the benefit of Figure 6B in the application as filed.

Related to this issue, the Applicant hereby requests as a Preliminary Amendment under 37 C.F.R. 1.115, that the enclosed Figure 6B is incorporated by reference from U.S. Application Ser. No. 08/486,549, filed June 7, 1995 (now U.S. 6,120,764). Priority to the '549 application is claimed in the present application, so incorporation of Figure 6B from the '549 application is proper. This will avoid the need to delete references to Figure 6B in the present specification.

If a separate filing of a Preliminary Amendment is required to incorporate Figure 6B from the '549 application, please advise the Attorney for Applicant.

Respectfully submitted,

By


Timothy H. Van Dyke, Reg. No. 43218

Date: 2/13/2002

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I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope with sufficient postage addressed to: Assistant Commissioner for Patents, Washington, D.C. 20231.

Date of Deposit: 02/13/2002

Typed Name: Timothy H. Van Dyke

Signature: 